

calculating processing time by comparing the process start time data and the process end time data;

wherein, in the step of calculating, the process start time data and the process end time data are associated with each other using keywords of the input data entered when processing is started by the first data processing device.

REMARKS

In an office action (first) of 5 August 2002, Examiner rejected Claims 1-17, based on Ho, et al (5,233,545) in view of Nieratschker (6,405,236). In response to this office action, Applicant amended the claims to more particularly point out and distinctly claim the invention. More specifically, claims 2, 3, 4, and 15 were canceled, and claims 1, 14, 16, and 17 were amended. In the subsequent office action of 21 October 2002 (second and final), Examiner rejected all remaining claims, and found unpersuasive Applicant's argument submitted in response to the office action of 5 August 2002, again based on Ho, et al (5,233,545) in view of Nieratschker (6,405,236).

Ho processes a sequential stream of waveform-related timestamps, triggered by attributes of waveform amplitude and slope. These timestamps are not related to any information content of the associated waveforms. Unlike Ho, Applicant's invention teaches using the information content of encoded messages, which information content is entered when processing is started, to pair specific first and second notifications that may occur in a stream of otherwise unrelated notifications in order to calculate timestamp differences. Therefore, Applicant's response to the office action of 5 August 2002 amended claims 1, 14, 16, and 17 to point out this difference.

Examiner has found that the amendment of claims 1, 14, 16, and 17 in response to the office action of 5 August 2002 does not provide allowable subject matter. Applicant respectfully disagrees, and infers that the point of disagreement between Applicant and Examiner revolves

around the question of whether timestamps constitute input data entered when processing is started.

To address this point, Applicant hereby requests further amendment of Claims 1, 14, 16, and 17, to more particularly point out Applicant's invention. These further amendments point out Applicant's use of keywords of the information content entered when processing is started, to associate the process start time with the process end time.

Applicant respectfully holds that neither Ho nor Nieratschker teaches this aspect of Applicant's invention, which has been incorporated, by these amendments, into Applicant's independent claims 1, 14, 16, and 17. In view of these amendments to clarify Applicant's invention, it is believed that the claims are allowable. Accordingly, the Examiner is respectfully requested to enter these amendments, and to pass the case for allowance. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "Version with Markings to Show Changes."

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David R. Irvin", with a stylized flourish at the end.

David R. Irvin,

Agent for Applicant

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

The claims have been amended as follows:

1. (Amended twice) A method for determining the performance of a data processing system wherein processing is started by a first data processing device and finished by a second data processing device which may have separate clocks that are not synchronized, the method comprising the steps of:

by a logging device, receiving a first notification when processing is started by the first data processing device, wherein the first notification includes input data entered when processing is started by the first data processing device;

generating process start time data using a clock of the logging device, wherein the process start time data includes time of receipt by the logging device of the first notification;

by the logging device, receiving a second notification when the processing is finished by the second data processing device, wherein the second notification includes at least part of the input data entered when processing is started by the first data processing device;

generating process end time data using the clock of the logging device, wherein the process end time data includes time of receipt by the logging device of the second notification;
and

calculating processing time by comparing the process start time data and the process end

time data[.];

wherein, in the step of calculating, the process start time data and the process end time data are associated with each other using keywords of the input data entered when processing is started by the first data processing device.

14. (Amended twice) A data processing system comprising:

a first data processing device that starts processing;

a second data processing device for finishing processing; and

a logging device; wherein the logging device comprises:

logic for receiving a first notification including input data when processing is started by the first data processing device;

logic for generating process start time data using a clock of the logging device, wherein the process start time data includes time of receipt by the logging device of the first notification;

logic for receiving a second notification including at least part of the input data when processing is finished by the second data processing device; [and]

logic for generating process end time data using the clock of the logging device, wherein the process end time data includes time of receipt by the logging device of the second notification[.] ; and

logic for associating the process start time data and the process end time data with

each other using keywords of the input data, and calculating processing time by comparing the process start time data and the process end time data.

16. (Amended twice) A data logging system, comprising:

logic for receiving a first notification including input data when processing is started by a first data processing device;

logic for generating process start time data using a clock of the logging system, wherein the process start time data includes time of receipt by the logging system of the first notification;

logic for receiving a second notification including at least part of the input data when processing is finished by a second data processing device; [and]

logic for generating process end time data using the clock of the logging system, wherein the process end time data includes time of receipt by the logging system of the second notification[.] ; and

logic for associating the process start time data and the process end time data with each other using keywords of the input data, and calculating processing time by comparing the process start time data and the process end time data.

17. (Amended twice) Programmable media containing programable software for measuring the performance of a data processing system wherein processing is started by a first data processing device and finished by a second data processing device which may have separate clocks that are not synchronized, the programmable software comprising the steps of:

receiving a first notification when processing is started by the first data processing device,

wherein the first notification includes input data entered when processing is started by the first data processing device;

generating process start time data using a logging clock, wherein the process start time data includes time of receipt of the first notification;

receiving a second notification when the processing is finished by the second data processing device, wherein the second notification includes at least part of the input data entered when processing is started by the first data processing device;

generating process end time data using the logging clock, wherein the process end time data includes time of receipt of the second notification; and

calculating processing time by comparing the process start time data and the process end time data [.];

wherein, in the step of calculating, the process start time data and the process end time data are associated with each other using keywords of the input data entered when processing is started by the first data processing device.